

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DONALD W. QUEER,	)	
	)	Civil Action No. 08 – 493
Petitioner,	)	
	)	
v.	)	Chief Magistrate Judge Lisa Pupo Lenihan
	)	
RANDALL E. BRITTON,	)	
<i>Superintendent, THE ATTORNEY</i>	)	
GENERAL OF THE STATE OF	)	
PENNSYLVANIA, and THE	)	
DISTRICT ATTORNEY OF THE	)	
COUNTY OF WESTMORELAND,	)	
	)	
Respondents.	)	

**ORDER**

**AND NOW**, this 8th day of January 2014, upon consideration of the petition for writ of habeas corpus and all related submissions, and for the reasons stated in this Opinion, **IT IS HEREBY ORDERED** as follows:

1. The petition for writ of habeas corpus is **CONDITIONALLY GRANTED**;
2. Petitioner shall be released from custody **UNLESS**, within sixty-days after the date of this Order, the District Attorney for Westmoreland County files, in the appropriate court, a petition on behalf of the Commonwealth of Pennsylvania to reinstate Petitioner's direct appeal rights *nunc pro tunc* for consideration on the merits and that his appeal rights are in fact reinstated within that time;

3. If Respondents desire to appeal this Order then they must file a separate application for supersedeas;
4. A certificate of appealability as to Petitioner's other claims is **DENIED**; and
5. The Clerk of Court shall mark this case **CLOSED**.



Lisa Pupo Lenihan  
Chief United States Magistrate Judge

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